IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE
and
THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 8559 of 2003

Between:

N.Harnath s/o late N.Munirathnam, aged 41 years, resident of 15/531, Kamalanagar, Anantapur.

..... PETITIONER

AND

1. The Union of India, rep by its Secretary, Ministry of Law, Shastri Bhavan, R.P. Road, New Delhi.
2. The Syndicate Bank, Anantapur Main Branch, Anantapur rep by its Chief Manager.
3. The Syndicate Bank, Regional Office, Anantapur, rep by its Regional Manager.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ of mandamus or any other appropriate writ or direction striking down the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and striking down Sections 13, 15 and 34 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and set aside the tender notice dated 16-4-2003 issued by the 3rd respondent and pass such other or further orders as the Hon'ble Court feels deem fit and proper in the facts and circumstances of the case.

Counsel for the Petitioner: MR. O.MANOHER REDDY

Counsel for Respondents: MR. A.KRISHNAM RAJU

W.P.M.P. NO : 11054 of 2003

Between:
N.Harnath s/o late N.Munirathnam, aged 41 years, resident of 15/531, Kamalanagar, Anantapur.

..... PETITIONER

AND

1. The Union of India, rep by its Secretary, Ministry of Law, Shastri Bhavan, R.P. Road, New Delhi.
2. The Syndicate Bank, Anantapur Main Branch, Anantapur rep by its Chief Manager.
3. The Syndicate Bank, Regional Office, Anantapur, rep by its Regional Manager.

.....RESPONDENTS

Petition under Section 151 C.P.C praying that in the circumstances stated in the accompanying Affidavit, the High Court may be pleased to stay all further proceedings pursuant to the tender notice dated 16.04.2003 issued by the third respondent pending disposal of the writ petition and pass such other or further orders as the Court feels deem fit and proper in the facts and circumstances of the case.

Counsel for the Petitioner: MR. O.MANOHER REDDY

Counsel for Respondents: MR. A.KRISHNAM RAJU

The Court made the following ORDER:

(per Hon'ble Sri Devinder Gupta, The Chief Justice)

In view of the decision of the Hon'ble Supreme Court in Transfer Case (Civil) No.92-95 of 2002, dated 8th April, 2004 [MARDIA CHEMICALS LTD v UNION OF INDIA & ORS], challenge to the

provisions of the Securitisation And Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 is not tenable and for that reason relief prayed for in this writ petition cannot be granted. Writ petition is, therefore, dismissed.

W.P.M.P.No.11054 of 2003

In view of the dismissal of the writ petition, interim directions stand vacated and the W.P.M.P. stands disposed of as such.

DEVINDER GUPTA, CJ

G.ROHINI, J

17th June, 2004.
nmr

ASSISTANT. REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Union of India, rep by its Secretary, Ministry of Law, Shastri Bhavan, R.P. Road, New Delhi.
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